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WORKMAN NYDEGGER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 533-9800
FAX (801) 328-1707

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July 15, 2005

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EXAMINER KEVIN SIRMONS GROUP ART UNIT 3763

Business Phone

(571) 272-4965

Telecopier Phone:

(571) 273-8300

From:

John M. Guynn

Comments:

Please see attached.

Docket No.:

7678.808

Serial No.:

10/724,922

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WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SAIT TAKE CITY, UTAH 64111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: HTTP://www.wnlaw.com

RECEIVED CENTRAL FAX CENTER

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JUL 1 5 2005

PATENT APPLICATION Docket No.: 7678.808

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Bruce S. McLean))
Serial No.:	10/724,922))
Filing Date:	December 1, 2003) Art Unit) 3763
Confirmation No.:	3301))
Title:	Syringe mixer and syringe apparatus Incorporating the mixer)))
Examiner:	Kevin Sirmons))
Customer No.:	022913))

TRANSMITTAL LETTER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Restriction Requirement for entry in the above-identified application.

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178. Triplicate copics of this sheet are attached.

W. B

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IONATHAN M. BENNE, PH.D.

* Admitted only in California 5 Admitted only in Virginia July 15, 2005 Page 2

- Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- X Any patent application processing fees under 37 CFR 1.17.

Dated this 15 day of July 2005.

Respectfully submitted,

John M. Guynn

Attorney for Applicant Registration No. 36,153 Customer No. 022913

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JUL 1 5 2005

PATENT APPLICATION
Docket No.: 7678.808

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
	Bruce S. McLean)
Serial No.:	10/724,922)) Art Unit
Filing Date:	December 1, 2003	3763
Confirmation No.:	3301))
Title:	SYRINGE MIXER AND SYRINGE APPARATUS INCORPORATING THE MIXER)))
Examiner:	Kevin Sirmons))
Customer No.:	022913	, ,

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated June 24, 2005, (paper No. 20050622), Applicant respectfully submits the following to be filed in the above-identified application.

The Examiner has requested an election of a single disclosed invention from the following allegedly distinct inventions:

claim 1-7, drawn to a mixer, classified in class 251, subclass 340; and claims 8-13, drawn to a syringe and mixer, classified in class 604, subclass 82;

Applicant hereby elect claims 8-13 without traverse. Accordingly, claims 1-7 are currently withdrawn as being drawn to a non-elected invention.

Nevertheless, Applicant respectfully requests rejoinder of claims 1-7 on the grounds that it would not be unduly burdensome to search and examine mixer claims 1-7 since any search to a syringe and mixer will inherently turn up pertinent art relating to the mixer.

Dated this 15 day of July 2005.

Respectfully submitted,

John M. Guynn

Attorney for Applicant Registration No. 36,153

Customer No. 022913

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